

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 22ND AUGUST 2007 / 31ST SRAVANA 1929

Bail Appl.No. 5043 of 2007()

CRIME NO. 290/07 OF MEDICAL COLLEGE POLICE STATION, KOZHIKODE
CRMP.511/2007 of SPL. COURT (NDPS ACT CASES), VADAKARA
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PETITIONER/ACCUSED

MUHAMMED FAIZAL, S/O. KUNHIKOYA,
PALLIKUNNU PARAMBA HOUSE, OLAVANNA AMSOM DESOM,
KOZHIKODE.

BY ADV. SRI.SUNNY MATHEW

RESPONDENTS: COMPLAINANT

STATE OF KERALA, THROUGH THE
CIRCLE INSPECTOR OF POLICE, MEDICAL COLLEGE
POLICE STATION, KOZHIKODE, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 22/08/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R. BASANT, J.

B.A.No. 5043 of 2007

Dated this the 22nd day of August, 2007

ORDER

Application for regular bail. The petitioner faces allegations under Section 21(b) of the N.D.P.S. Act. The crux of the allegations is that the petitioner was found to keep in his possession 24 grams of brown sugar when he was intercepted on 22.7.07. The petitioner continues in custody from that date.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. The allegations are totally false. Policemen had gone to the house of the petitioner and had wanted to ascertain the whereabouts of the petitioner. They were not satisfied with the explanation offered by the wife of the petitioner. She was allegedly manhandled. Seeing this the petitioner had come to the house. There was wordy altercation. On the basis of such animosity totally false and vexatious allegations are made against the petitioner. The petitioner has complained to superior officials and the Ministers concerned against such action of the police. In these circumstances the petitioner may be enlarged on bail, submits the counsel.

3. The learned Prosecutor opposes the application. He submits that the allegations are found to be absolutely justified. The petitioner has a history of criminal antecedents. 100 grams of brown sugar was earlier found in his possession and crime was registered against him. He was enlarged on bail in that crime and it is while on bail that the present offence is allegedly committed by the petitioner. At any rate, the petitioner does not deserve to be enlarged on bail at this stage. The quantity is neither commercial quantity nor small quantity. In a serious crime like this the Investigators may be given sufficient and reasonable time to complete the investigation, submits the Prosecutor.

4. Having considered all the relevant inputs, I find merit in the opposition made by the learned Prosecutor. I am satisfied, as rightly pointed out by the learned Prosecutor, that the Investigators are entitled for reasonable further time to complete the investigation.

5. This application is, in these circumstance, dismissed. But I may hasten to observe that the petitioner shall be at liberty to move the court for bail again at a later stage of the investigation, not at any rate, prior to

5.9.2007. The Investigators shall, in the meantime, make every endeavour to complete the investigation.

(R. BASANT)
Judge

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